



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 02-0676-MU

AMENDED PUBLIC REPRIMAND

**HONORABLE ROY W. RICHARD, JR.
MUNICIPAL COURT JUDGE
GARDEN RIDGE, COMAL COUNTY, TEXAS**

During its meeting in Austin, Texas, on December 3-5, 2003, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Roy W. Richard, Jr., Municipal Court Judge for the City of Garden Ridge, Comal County, Texas. Judge Richard was advised by letter of the Commission's concerns and provided a written response. Judge Richard appeared with counsel before the Commission on October 9, 2003, and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Roy W. Richard, Jr. was a part-time municipal court judge for the Cities of Marion, Garden Ridge, Universal City, and Cibolo, Texas.
2. In 1998, Judge Richard's law partner, James Lebron Champion, was prosecuted for, and later convicted of, the federal offenses of conspiracy to commit mail fraud, conspiracy to commit money laundering, and attempted commission of murder for hire, for which Champion was sentenced to 170 months in federal prison. Judge Richard testified as a witness in that criminal trial in exchange for "use" immunity from criminal prosecution.
3. On April 24, 2001, as a result of the filing of charges against him by the State Bar of Texas, Judge Richard executed an "Agreed Judgment of Fully Probated

Suspension,” which was entered on May 9, 2001, in Cause No. 2001-CI-05430, in the 285th Judicial District Court of Bexar County, Texas.

4. The disciplinary action, which is a matter of public record, involved Judge Richard’s violation, as a lawyer, of Rule 8.03(a) of the Texas Disciplinary Rules of Professional Conduct, which requires “. . . a lawyer having knowledge that another lawyer has committed a violation . . . that raises a substantial question as to that lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate disciplinary authority.”
5. As a result of the public nature of the disciplinary action taken against him by the State Bar of Texas, Judge Richard was asked to resign as judge by two of the four municipalities for which he served.
6. In his testimony before the Commission, Judge Richard admitted that, during a time when he held office as a municipal judge, he was aware that lawyers in his firm engaged in the practice of “case running” and splitting professional fees with non-lawyers. The judge also was aware that tax returns prepared for the law firm did not reflect the use of runners and the payment of professional fees to these non-lawyers.
7. Judge Richard further testified that he took no action to report the lawyers in his firm to the State Bar of Texas or to any other appropriate authority for engaging in the conduct described above.
8. Judge Richard further testified that from approximately 1985 through 1995, during a time when he also held office as a municipal judge, he had participated to some extent in the law firm practices described above.
9. Judge Richard further testified that he was aware that the practices described above violated Texas law.
10. Judge Richard has never been charged criminally for his involvement in the activities described above.

RELEVANT STANDARDS

1. Article V, Section 1-a(6)A of the Texas Constitution provides that any Texas justice or judge may be disciplined for willful or persistent conduct that casts public discredit upon the judiciary.
2. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”
3. Canon 3D(2) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge having knowledge that a lawyer has committed a violation of the Texas Disciplinary Rules of Professional Conduct that raises a substantial question as to the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects shall inform the Office of the General Counsel of the State Bar of Texas or take other appropriate action.”

CONCLUSION

The Commission concludes from the facts and evidence presented that by failing to report lawyers who he knew were engaged in unethical, and in some cases, illegal activities, and by participating himself in some of these same unethical and illegal activities while also serving as a member of the judiciary, Judge Richard failed to comply with the law and engaged in willful conduct that cast public discredit upon the judiciary. The Commission concludes that the judge's actions constituted willful or persistent violations of Article V, Section 1-a(6)A of the Texas Constitution, and Canons 2A and 3D(2) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Article V, Section 1-a(6) of the Texas Constitution and Canons 2A and 3D(2) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC REPRIMAND** to the Honorable Roy W. Richard, Jr., Municipal Judge for the City of Garden Ridge, Comal County, Texas.

Pursuant to the authority contained in Article V, Section 1-a(8) of the Texas Constitution, it is ordered that the conduct described above is made the subject of a **PUBLIC REPRIMAND** by the State Commission on Judicial Conduct.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this 28 day of January, 2004.

ORIGINAL SIGNED BY

Honorable Joseph B. Morris, Chair
State Commission on Judicial Conduct